

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1, 2, 4-8 and 10-12 are pending. Claims 1, and 5-8 are amended for clarity. Claim 3 has been cancelled and the limitations therein added to claim 1. New claims 10-12 have been added to secure an appropriate scope of protection to which applicant is believed entitled.

The rejection of claims 1-8 under 35 U.S.C. §112, second paragraph, are believed overcome in view of the foregoing claim amendments. Withdrawal of the rejection is respectfully requested.

The rejection of claims 1-5 under 35 U.S.C. §102(b) as being anticipated by Richardson (U.S. 5,813,673) is hereby traversed. A rejection under §102 requires every element of the claim to be included in the reference, either directly or inherently. The Examiner has failed to identify all elements of amended claim 1 as anticipated by the Richardson reference.

Richardson fails to disclose discarding the dealer's card and dealing another card if the card value is above a certain value. At most, Richardson describes the dealer optionally burning one card and turning up a card for comparison to the player cards (Richardson at column 4, lines 10-18); however, there is no disclosure of comparing the dealer card to a value in order to determine whether to discard and deal another card. Richardson states only that the deal card is optionally discarded between each round of cards dealt to the players and between the end of the dealing of hands to the players and the dealing of the final dealer card. Nor has the Examiner

identified any location in Richardson disclosing the claimed subject matter. For at least this reason, the rejection of claim 1 should be withdrawn.

Claims 2 and 4-5 depend from claim 1, include further important limitations, and are patentable over Richardson for at least the reasons advanced above with respect to claim 1. The rejection of claims 2 and 4-5 is respectfully requested to be withdrawn.

The rejection of claims 6-8 under 35 U.S.C. §103(a) as being unpatentable over Richardson in view of Lott (U.S. 5,851,011) is hereby traversed. As discussed above, Richardson fails to anticipate the claimed subject matter. The combination of Richardson with Lott fails to cure the above-noted deficiencies of Richardson and the rejection of claims 6-8 should be withdrawn.

New independent claim 12 is patentable over the applied references as neither reference discloses at least each player being able to make a further bet if the player's hand consists wholly of court cards. Richardson describes a player obtaining an additional or higher payoff for "straight flush" winning hands, i.e., requiring a consecutive sequence of same-suited cards, and further the sequence must extend numerically from the dealer card, either higher or lower. That is, Richardson describes paying an additional amount if a winning player hand includes a particular straight flush based on the dealer card. The present claimed subject matter requires that the player hand include only court cards and enables the player to make an additional bet. Based on the foregoing, new independent claim 12 is patentable over the applied references and a Notice of Allowance is deemed in order.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Randy A. Noranbrock
Registration No. 42,940

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: August 24, 2005
RAN/tal